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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

DARIUS TERVR KNIGHT,

Defendant and Appellant.

D075493

(Super. Ct. No. FWB1201414)

APPEAL from an order of the Superior Court of San Bernardino County,
Michael A. Smith, Judge. Affirmed.

Gary V. Crooks, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

In 2012, Darius Tervr Knight was convicted of robbery (Pen. Code,¹ § 211). The trial court declined to strike any of his serious/violent felony prior conviction (§ 667, subs. (b)-(i)) and sentenced him to an indeterminate term of 25 year-to-life in prison.

In October 2018, Knight filed a petition under Proposition 47 (§ 1170.18) to recall his sentence and sentence the robbery count as a misdemeanor. The trial court found he was not eligible to have the robbery count reduced to a misdemeanor.²

Knight filed a timely notice of appeal.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), indicating he has been unable to identify any arguable issue for reversal on appeal. Counsel asks this court to review the record for error as mandated by *Wende*. We offered Knight the opportunity to file his own brief on appeal, but he has not responded.³

DISCUSSION

As we have noted, appellate counsel has filed a brief pursuant to *Wende* and has not identified any arguable issue for reversal on appeal. In order to assist this court in its review of the record, and in compliance with *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel has identified one possible issue: Whether the trial court properly denied Knight's petition.

¹ All further statutory references are to the Penal Code unless otherwise specified.

² Robbery is not a "wobbler offense" and thus cannot be reduced to a misdemeanor.

³ The facts of the 2012 offense are not relevant to our discussion of the record in this case. Accordingly, we will omit a statement of facts.

We have reviewed the entire record as required by *Wende* and *Anders*. We have not identified any arguable issue for reversal on appeal. Competent counsel has represented Knight on his appeal.

DISPOSITION

The order denying Knight's petition under section 1170.18 is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

IRION, J.

DATO, J.